

APPEAL NO. 041644
FILED AUGUST 30, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 4, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury on or about _____, and that because the claimant did not sustain a compensable repetitive trauma injury, the claimant did not have disability.

The claimant appealed on sufficiency of the evidence grounds. The file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant, an 18 wheeler tractor trailer driver, alleges a repetitive trauma injury in the form of left carpal tunnel syndrome and left cubital tunnel syndrome, as a result of driving a tractor trailer that had a bad shake or shimmy in the front end. A repair order of August 8, 2002, indicates repair of a "front end shimmy between 50 and 53 mph." The hearing officer, in the Background Information, discussed the medical evidence and concluded that none of the claimant's job duties "were shown to be sufficiently repetitive to cause the physical problems experienced by the [c]laimant."

While there was conflicting evidence of whether or not there was light duty available, the definition of disability in Section 401.011(16) requires a compensable injury before disability can be assessed. Because we are affirming the hearing officer's determination that the claimant did not have a compensable injury, the claimant cannot have disability.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY
701 BRAZOS, SUITE 1050
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge